

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 691 Session of 2023

INTRODUCED BY YAW, DUSH AND ARGALL, MAY 5, 2023

AS AMENDED ON THIRD CONSIDERATION, JUNE 6, 2023

AN ACT

1 Amending the act of June 28, 1995 (P.L.89, No.18), entitled "An
2 act creating the Department of Conservation and Natural
3 Resources consisting of certain functions of the Department
4 of Environmental Resources and the Department of Community
5 Affairs; renaming the Department of Environmental Resources
6 as the Department of Environmental Protection; defining the
7 role of the Environmental Quality Board in the Department of
8 Environmental Protection; making changes to responsibilities
9 of the State Conservation Commission and the Department of
10 Agriculture; transferring certain powers and duties to the
11 Department of Health; and repealing inconsistent acts," in
12 renaming Department of Environmental Resources and defining
13 rulemaking authority of Department of Environmental
14 Protection, repealing provisions relating to Department of
15 Environmental Protection and providing for Department of
16 Environmental Services; and making editorial changes.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Chapter 5 heading of the act of June 28, 1995
20 (P.L.89, No.18), known as the Conservation and Natural Resources
21 Act, is amended to read:

CHAPTER 5

[RENAMING DEPARTMENT OF ENVIRONMENTAL RESOURCES

AND DEFINING RULEMAKING AUTHORITY OF

DEPARTMENT OF ENVIRONMENTAL PROTECTION]

1 DEPARTMENT OF ENVIRONMENTAL SERVICES

2 Section 2. Section 501 of the act is repealed:

3 [Section 501. Department of Environmental Protection.

4 The Department of Environmental Resources is renamed the
5 Department of Environmental Protection.]

6 Section 3. The act is amended by adding a section to read:

7 Section 501.1. Department of Environmental Services.

8 (A) RENAMING OF DEPARTMENT OF ENVIRONMENTAL PROTECTION.--The <--
9 Department of Environmental Protection is renamed the Department
10 of Environmental Services.

11 (B) REFERENCES.--A REFERENCE TO THE DEPARTMENT OF <--
12 ENVIRONMENTAL PROTECTION IN A STATUTE OR A REGULATION SHALL BE
13 DEEMED A REFERENCE TO THE DEPARTMENT OF ENVIRONMENTAL SERVICES.

14 (C) DESIGNATION.--

15 (1) TO PROVIDE AN EFFICIENT AND COST-MINIMIZING
16 TRANSITION, LICENSES, CONTRACTS, DEEDS AND ANY OTHER OFFICIAL
17 ACTIONS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION SHALL
18 NOT BE AFFECTED BY THE USE OF THE DESIGNATION OF THE
19 DEPARTMENT AS THE DEPARTMENT OF ENVIRONMENTAL SERVICES.

20 (2) THE DEPARTMENT OF ENVIRONMENTAL SERVICES MAY
21 CONTINUE TO USE THE NAME DEPARTMENT OF ENVIRONMENTAL
22 PROTECTION ON BADGES, LICENSES, CONTRACTS, DEEDS, STATIONERY
23 AND ANY OTHER OFFICIAL DOCUMENTS UNTIL EXISTING SUPPLIES ARE
24 EXHAUSTED.

25 (3) THE DEPARTMENT OF ENVIRONMENTAL PROTECTION MAY
26 SUBSTITUTE THE TITLE "DEPARTMENT OF ENVIRONMENTAL SERVICES"
27 FOR "DEPARTMENT OF ENVIRONMENTAL PROTECTION" ON ITS DOCUMENTS
28 AND MATERIALS ON A SCHEDULE AS IT DEEMS APPROPRIATE.

29 (D) SIGNAGE.--THE DEPARTMENT OF ENVIRONMENTAL SERVICES MAY
30 NOT REPLACE EXISTING SIGNAGE AT DEPARTMENT LOCATIONS WITH THE

1 REDESIGNATED NAME UNTIL THE SIGNS ARE WORN AND IN NEED OF
2 REPLACEMENT. THIS TRANSITION SHALL BE COORDINATED WITH CHANGES
3 IN ADMINISTRATION.

4 (E) COMPUTER SYSTEMS.--THE DEPARTMENT OF ENVIRONMENTAL
5 SERVICES SHALL CONTINUE TO USE THE NAME DEPARTMENT OF
6 ENVIRONMENTAL PROTECTION ON ITS COMPUTER SYSTEMS UNTIL THE TIME
7 OF ROUTINE UPGRADES IN EACH COMPUTER SYSTEM IN THE DEPARTMENT.
8 THE CHANGE IN NAME SHALL BE MADE AT THE TIME OF THE ROUTINE
9 UPGRADE TO THE DEPARTMENT COMPUTER SYSTEMS.

10 Section 4. Sections 503, 504, 507, 508 and 509(a) of the act
11 are amended to read:

12 Section 503. Continued authority of Department of Environmental
13 [Protection] Services, State Conservation Commission
14 and Department of Agriculture.

15 (a) Powers and duties.--The Department of Environmental
16 [Protection] Services shall continue to exercise the same powers
17 and perform the same duties and functions by law vested in and
18 imposed upon the Department of Environmental [Resources]
19 Protection not otherwise amended or transferred by this act to
20 the Department of Conservation and Natural Resources.

21 (b) Administrative officers.--All appointive administrative
22 officers holding office in the Department of Environmental
23 [Resources] Protection when this act becomes effective shall
24 continue in office in the Department of Environmental
25 [Protection] Services until the term for which they were
26 respectively appointed shall expire or until they shall die,
27 resign or be removed from office.

28 (c) Sand and gravel permits.--Section 1808(d) of the act of
29 April 9, 1929 (P.L.177, No.175), known as The Administrative
30 Code of 1929, is saved from repeal and the Department of

1 Environmental [Protection] Services and Pennsylvania Fish and
2 Boat Commission shall continue to exercise the rights, powers
3 and duties thereof, provided that the Pennsylvania Fish and Boat
4 Commission may, by regulation, with the concurrence of the
5 Department of Environmental [Protection] Services, adjust the
6 amount of the royalty payments per ton or cubic foot of usable
7 and/or merchantable sand and/or gravel.

8 Section 504. Energy programs.

9 (a) Building Energy Conservation Act.--The Department of
10 Environmental [Protection] Services has the powers and duties
11 previously vested in the Governor's Energy Council by the act of
12 December 15, 1980 (P.L.1203, No.222), known as the Building
13 Energy Conservation Act.

14 (b) Energy Conservation and Assistance Act.--The Department
15 of Environmental [Protection] Services has the powers and duties
16 previously vested in the Governor's Energy Council by the act of
17 July 10, 1986 (P.L.1398, No.122), known as the Energy
18 Conservation and Assistance Act.

19 (c) Alternative fuels.--The Department of Environmental
20 [Protection] Services has the powers and duties previously
21 vested in the Pennsylvania Energy Office by 75 Pa.C.S. Ch. 72
22 (relating to alternative fuels).

23 (d) Other powers and duties transferred.--Any reference to
24 the Pennsylvania Energy Office in any other act shall be
25 interpreted to mean the Department of Environmental [Protection]
26 Services, and any such powers and duties in such acts and other
27 functions currently performed or administered by the
28 Pennsylvania Energy Office are hereby transferred to the
29 Department of Environmental [Protection] Services.

30 Section 507. Transfer of funds.

1 The administration of the following funds or portions of
2 funds, as may be administered by the Pennsylvania Energy Office,
3 shall be transferred from the Pennsylvania Energy Office to the
4 Department of Environmental [Protection] Services:

5 (1) Energy Conservation and Assistance Fund.

6 (2) Alternative Fuels Incentive Grant Fund.

7 (3) All other funds or portions of funds currently
8 administered by the Pennsylvania Energy Office.

9 Section 508. Regulations.

10 Any regulations, guidelines or statements of policy issued by
11 the Pennsylvania Energy Office for the functions transferred to
12 the Department of Environmental [Protection] Services shall
13 remain in effect until such time as the Department of
14 Environmental [Protection] Services shall determine the need to
15 amend such regulations, guidelines or statements of policy.

16 Section 509. Transfer of personnel.

17 (a) General rule.--Certain personnel, allocations,
18 appropriations, fixed assets, equipment, files, records,
19 contracts, agreements, obligations and all other materials and
20 supplies which are used, employed or expended by the
21 Pennsylvania Energy Office in connection with the functions
22 transferred by this act to the Department of Environmental
23 [Protection] Services in the first instance shall be transferred
24 from the Pennsylvania Energy Office to the Department of
25 Environmental [Protection] Services and shall be considered as
26 if these contracts, agreements and obligations had been incurred
27 or entered into by the Department of Environmental [Protection]
28 Services.

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30 Section 5. This act shall take effect in 60 days.